

Therefore, the proposed rule is being implemented without change.

### Regulatory Evaluation

This final rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this final rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

### Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this final rule will have significant economic impact on a substantial number of small entities. "Small entities" include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as "small business concerns" under section 3 of the Small Business Act (15 U.S.C. 632). Because it expects the impact of this rule to be minimal, the Coast Guard certifies under 5 U.S.C. 605(b) that this final rule will not have a significant economic impact on a substantial number of small entities.

### Collection of Information

This final rule contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

### Federalism

The Coast Guard has analyzed this final rule under the principles and criteria contained in Executive Order 12612, and has determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

### Environment

The Coast Guard considered the environmental impact of this final rule and concluded that under section 2.B.2.e.(32)(e) of Commandant Instruction M16475.1B (as amended, 59 FR 38654, 29 July 1994), this final rule is categorically excluded from further environmental documentation. A Categorical Exclusion Determination statement has been prepared and placed in the rulemaking docket.

### List of Subjects in 33 CFR Part 117

Bridges.

### Regulations

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

#### PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

**Authority:** 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. The text of § 117.833 is redesignated as paragraph (a) and a new paragraph (b) is added to read as follows:

#### § 117.833 Pasquotank River.

(a) \* \* \*

(b) The draw of the US 158 Highway Bridge, mile 50.7, at Elizabeth City, shall open on signal; except that between 7 a.m. and 9 a.m., and 4 p.m. and 6 p.m., Monday through Friday, the draw need open only at 7:30 a.m., 8:30 a.m., 4:30 p.m., and 5:30 p.m. for any pleasure vessels waiting to pass.

Dated: December 8, 1997.

**Roger Rufe, Jr.,**

*Vice Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.*

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### DEPARTMENT OF TRANSPORTATION

#### Coast Guard

#### 33 CFR Part 117

[CGD05–97–086]

RIN 2115–AE47

#### Drawbridge Operation Regulations; Elizabeth River, Eastern Branch

**AGENCY:** Coast Guard, DOT.

**ACTION:** Notice of temporary deviation from regulations.

**SUMMARY:** The Commander, Fifth Coast Guard District has issued a temporary deviation from the regulations governing the operation of the US 460 (Berkley Bridge) drawbridge across the Eastern Branch of the Elizabeth River, mile 0.4, at Norfolk, Virginia. Beginning December 15, 1997 through January 9, 1998, this deviation restricts bridge openings between the hours of 9 a.m. to 3:30 p.m., seven days a week. During these times, vessels requiring bridge lifts

will be required to provide the Berkley Bridge bridge tender with a two-hour advance notice. This closure is necessary to allow the Virginia Department of Transportation to conduct an oil change on the major lift equipment while still providing for the reasonable needs of navigation.

**DATES:** This deviation is effective from December 15, 1997 through January 9, 1998.

#### FOR FURTHER INFORMATION CONTACT:

Ann B. Deaton, Bridge Administrator, Fifth Coast Guard District, at (757) 398–6222.

**SUPPLEMENTARY INFORMATION:** The Berkley Bridge is owned and operated by the Virginia Department of Transportation (VDOT) and maintained by the Elizabeth River Tunnels Department of Maintenance. On December 1, 1997, VDOT sent a letter to the Coast Guard requesting a temporary deviation from the normal operation of the bridge in order to accommodate the maintenance work. Presently, the draw is required to open on signal at any time except from 5:30 a.m. to 9 a.m. and from 3:30 p.m. to 6:30 p.m., Monday through Friday, except Federal holidays. Between the hours of 5:30 a.m. and 9 a.m. and 3:30 p.m. and 6:30 p.m., vessels with a draft of 22 feet or more may request a bridge lift provided at least 12 hours advance notice is given.

The maintenance work involves draining and subsequent refilling of oil in the gear boxes in the major lift equipment of the US 460 (Berkley Bridge) drawbridge. Vessels presently transiting through the Berkley Bridge during the hours of deviation will not be negatively impacted since bridge lifts will be provided with a two-hour advance notice.

From December 15, 1997 to January 9, 1998, this deviation restricts bridge lifts of the Berkley Bridge between the hours of 9 a.m. and 3:30 p.m. seven days a week. Vessels requiring a bridge lift during these times will be required to provide a two-hour advance notice to the Berkley Bridge bridge tender. All other provisions of § 117.1007 remain in effect during the period of the deviation.

Dated: December 8, 1997.

**Roger Rufe, Jr.,**

*Vice Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.*

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